

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

SHANNON KELLY CAPLES,

Plaintiff,

v.

Case No. 17-cv-1797-pp

DALE JACOBY, *et al.*,

Defendants.

ORDER DENYING LETTER MOTION TO CLARIFY (DKT. NO. 18)

On March 11, 2019, the court granted the defendants' motion to dismiss, but gave the plaintiff the opportunity to amend her complaint. Dkt. No. 17. The court ordered that, if the plaintiff wanted to amend the complaint, she needed to do so by the end of the day on Friday, April 19, 2019. Id.

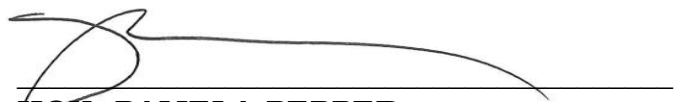
On April 18, 2019—the day before the amended complaint was due—the plaintiff filed a letter, asking the court for advice. Dkt. No. 18. She said that the court's sixteen-page order of March 11, 2019 was not clear, because it did not tell her whether she could “amend to add the company as a Defendant—and would therefore not take issue with relation back should company be added to an amended complaint,” or whether “the court is merely advising that Plaintiff would be permitted to amend to clarify that the named Defendants are named in their role(s) on behalf of the employer rather than personally.” Id. She says she can't file an amended complaint until she receives this “clarification.”

The court will not provide any more “clarification” than it already has provided. Contrary to the appearance given by the court’s March 11, 2019 order, this court cannot give a party legal advice. The order pointed out what was wrong with the plaintiff’s complaint. It is up to her to figure out how to fix it—either on her own, or with the assistance of a lawyer. The plaintiff seems to want assurance that if she amends the complaint in a certain way, the court will allow the case to go forward and will not grant any future motion to dismiss the defendants might file. The court cannot give the plaintiff that assurance. As the court stated on page 14 of its order, the *plaintiff* must decide how to amend the complaint. If, in response to that amended complaint, the defendants file a motion to dismiss and argue that the complaint is legally insufficient, the court will decide that motion just as it did the previous motion.

The court **DENIES** the plaintiff’s letter motion to clarify. The court **ORDERS** that the deadline for the plaintiff to amend her complaint is **EXTENDED** to **Friday, May 10, 2019**. If the court does not receive an amended complaint by the end of the day on May 10, 2019, the court will dismiss the case for failure to state a claim.

Dated in Milwaukee, Wisconsin this 22nd day of April, 2019.

BY THE COURT:



HON. PAMELA PEPPER
United States District Judge